

Remarks

The Applicant respectfully requests entry of the above amendments, and consideration of the application, as amended. By this amendment claims 1-64 were canceled and new claims 65-80 were introduced. Claims 81-83 introduced in the Supplemental Response filed on October 24 were also cancelled.

As discussed in a phone conversation with SPE Justine Yu on December 20, 2005, by this Second Supplemental Response the Applicant makes a bona fide effort to address the issues raised in the outstanding Communication by explicitly reciting the claims 65-80 read on the elected species of Figure 9. Since this response simply includes a clarification of what the Applicant believed was a bona fide attempt to address the Patent Office's concerns in the Response of October 24, 2005, and this Supplemental Response is being submitted within one month of the mailing date of the Communication of December 6, 2005, no extension fees need be paid.

As discussed in a phone conversation between Examiner Charles Phillips and the Applicant's undersigned Agent on September 29, 2005, the Applicant wishes to reintroduce the claims submitted with the response filed on December 14, 2004 for consideration at this time. Claims 65-80 introduced above correspond to then pending claims 21-30 and 43-48, with amendment, submitted on December 14, 2004.

The Applicant acknowledges with appreciation Examiner Phillip's assistance in advancing this application to allowance.

With regard to the relationship of this application with its parents, as described in the Preliminary Amendment filed with the application on July 17, 2003, this application is a divisional application of application 10/268,371 filed on October 10, 2002, which is a continuation-in-part application of U.S. application 09/834,260 filed on April 12, 2001, now U.S. Patent 6,467,103.

Claims 65-80 are now pending in this application.

Response to Communication

In the prior Communication of August 26, 2005, the Patent Office deemed the RCE and Response filed on July 8, 2005 not fully responsive to the prior Office Action because of the following omissions:

- (1) the reply fails to comply with section (b) of 37 CFR 1.111; and
- (2) the reply is silent with respect to the election of species of the newly presented claims.

In response to item (1), the Applicant submits that the previously pending claims 21-48 were rejected as anticipated and/or obvious by what is disclosed in U.S. Patent 4,715,546, of Kvalvik [herein "Kvalvik"] or obvious in view of what is disclosed by Kvalvik combined with teachings of U.S. Patent 4,575,882 of Diamond [herein "Diamond"]. The Applicant submits that the above amendments distinguish the claimed invention from what is disclosed, taught, or suggested by Kvalvik and Diamond individually or in combination. Specifically, the Applicant submits that Kvalvik and Diamond do not disclose, teach, or suggest that the electronic speaker may be located below the upper rim of the housing.

With respect to item (2), the Applicant elects the species of Figure 9 for examination. The Applicant submits that claims 65-80 read on the elected species of Figure 9. This election is consistent with the species elected in the response file on June 24, 2004.

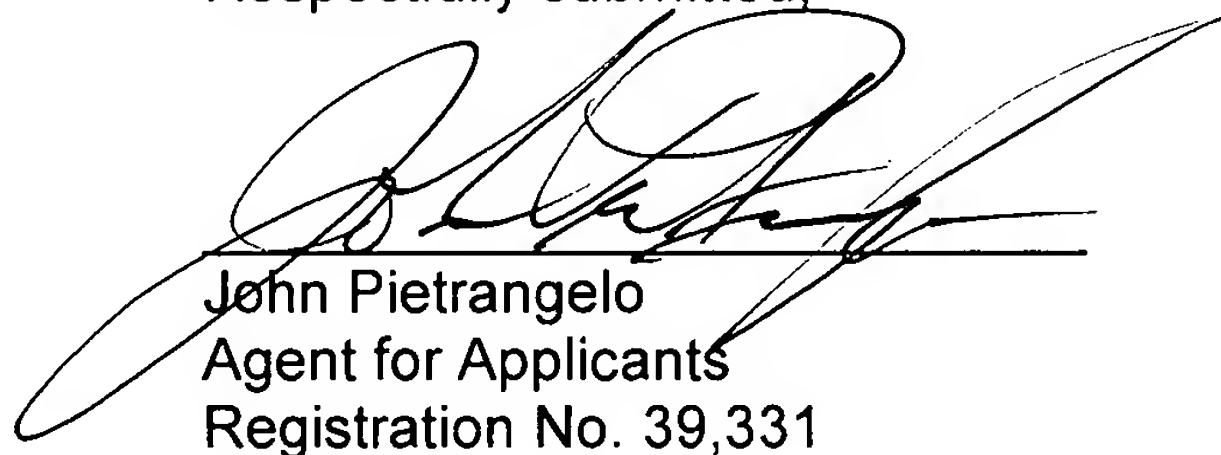
In the above-referenced Communication of December 6, 2005, the Patent Office deemed the Response filed on October 24, 2005 not fully responsive to the prior Communication of August 26, 2005 because of the Response failed to provide a listing of all claims readable on the elected species. Though the Applicant made a bona fide attempt to provide this information in the October 24, 2005, the Applicant hereby submits that claims 65-80 read on the elected species of Figure 9.

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Amendment dated December 22, 2005
Reply to Communication of August 26, 2005

If the Applicant has somehow misconstrued the Patent Office's instructions and this response is not fully responsive to the prior Communication, the Applicant requests that the Patent Office call the Applicant's undersigned Agent at the number provided to address any outstanding issues without the need for the issuance of another Communication.

The Applicant believes that the application is in condition for allowance. An early and favorable action on the merits of the application is requested.

Respectfully submitted,



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